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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Additional information submitted by States parties to the Covenant following the consideration of their reports by the Committee on Economic, Social and Cultural Rights

Addendum

ISRAEL*

[20 April 2001]

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* At its 31st, 32nd and 33rd meetings held on 17 and 18 November 1998 (E/C.12/1998/SR.31, 32 and 33), the Committee considered the initial report of Israel on the rights referred to in articles 1 to 15 of the Covenant (E/1990/5/Add.39).

As requested by the Committee in its concluding observations (E/C.12/1/Add.27), the Government of Israel submitted additional information relating to the consideration of that report by the Committee, which is reproduced in the present document.

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Introduction

1. This document includes:

(a) Additional information requested by the Committee on Economic, Social and Cultural Rights (hereinafter "The Committee") in its concluding observations (E/C.12/1/Add.27 of 4 December 1998, paragraph 32; hereinafter "concluding observations");

(b) Replies to the concluding observations of the Committee, based on the relevant parts of the State of Israel's second periodical report on the International Covenant on Economic, Social and Cultural Rights (ICESCR), due to be submitted to the Committee by 31 March 2001(hereinafter "the second report"). The data in the aforementioned report includes all available data up to August 2000.

I. ADDITIONAL INFORMATION

A. Applicability of the ICESCR to the West Bank and the Gaza Strip

2. In its concluding observations on Israel's initial report, the Committee questioned Israel's position regarding the applicability of the ICESCR to the West Bank and the Gaza Strip. Israel has consistently maintained that the Covenant does not apply to areas that are not subject to its sovereign territory and jurisdiction. This position is based on the well-established distinction between human rights and humanitarian law under international law. Accordingly, in Israel's view, the Committee's mandate cannot relate to events in the West Bank and the Gaza Strip, inasmuch as they are part and parcel of the context of armed conflict as distinct from a relationship of human rights.

3. Furthermore, pursuant to the Israeli-Palestinian Interim Agreement of 1995,[1] and the consequent documentation and undertakings of the Palestine Liberation Organization (PLO),[2] the overwhelming majority of powers and responsibilities in all civil spheres (including economic, social and cultural), as well as a variety of security issues, have been transferred to the Palestinian Council, which in any event is directly responsible and accountable vis-à-vis the entire Palestinian population of the West Bank and the Gaza Strip with regard to such issues. In light of this changing reality, and the jurisdiction of the Palestinian Council in these areas, Israel cannot be internationally responsible for ensuring the rights under the ICESCR in these areas.

4. The fact that the Palestinian Council does not represent a State does not, in itself, preclude its responsibility in the sphere of human rights protection. In fact, this is also evident under article XIX of the *Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip*, according to which the Palestinians have taken it upon themselves to exercise their powers and responsibilities "with due regard to internationally accepted norms and principles of human rights and the rule of law". Similarly, under article II (C) (4) of the *Wye River Memorandum*, the Palestinian Police is obliged "to exercise its powers and responsibilities with due regard to internationally accepted norms of human rights and the rule of law, and be guided by the need to protect the public, respect human dignity and avoid harassment".

5. In this respect, it should be noted that without prejudice to its basic position, Israel has been willing - and, in fact, has done so in the context of its oral presentation of its initial report - to cooperate with the Committee and provide relevant information to the extent possible, with regard to the exercise of those powers and responsibilities, which according to the agreements reached with the Palestinians, continue to be exercised by Israel in the West Bank and the Gaza Strip.

B. The population in the eastern neighbourhoods of Jerusalem

6. The Committee showed particular concern for the realization of economic, social and cultural rights by Arab residents in the eastern neighbourhoods of Jerusalem. This warrants some comment in light of the historical, cultural and demographic background.

7. In the light of some 3,000 years of history, it is somewhat unusual that the distinction between the eastern and western areas of Jerusalem is based solely on the 19-year period between 1948 and 1967, when Jerusalem was divided. From 1948 to 1967, eastern Jerusalem was a cluster of villages with a rural character and was never developed. Since 1967, eastern Jerusalem has developed into a modern urban environment. Western Jerusalem, on the other hand, was throughout the period a modern capital city, whose neighbourhoods had developed since 1914 according to urban plans based on the city's special topography. Thus, in 1967, at the reunification of Jerusalem, significant gaps in urban development existed between the eastern and western parts of Jerusalem.

8. The villages located in the eastern sector of the city developed from family settlements, and the tendency was for small parcels of land to be owned by a variety of private landlords. Land registration was not systematic or up to date, and thus ownership is unclear and there are many instances of more than one claim to ownership of the same parcel of land. Urban planning is based on land ownership; redesigning and updating the registration system prior to preparation of urban plans involves extensive surveying, and this process is as yet incomplete.

9. As a result, there are many cases of inability to prove land ownership, or of two landlords claiming ownership of the same parcel of land. The municipality of Jerusalem has a policy of accepting affidavits regarding ownership from village Mukhtars or neighbours.

10. In these villages, private considerations traditionally take precedence over communal interests. Thus, projects such as road building, which the residents may want, are problematic as they involve taxation and land expropriation. In fact, residents of the eastern neighbourhoods of Jerusalem are not required to participate directly in the cost of developing or renewing the infrastructure of their neighbourhoods, while residents of western Jerusalem are obliged to make substantial contributions towards the costs of such projects.

11. In 1967, residents of the eastern neighbourhoods of Jerusalem used wells to obtain water. The reunification of Jerusalem necessitated the unification of all infrastructure systems. Accordingly effective water and sewage systems have now been set in place.

12. Natural increase in the population in the eastern neighbourhoods of Jerusalem has always exceeded the natural increase of the Jewish population. In 1967, the city's population consisted

of 197,000 Jews (74.2 per cent) and 68,000 Arabs (25.8 per cent). In 1999, the Jewish population of the city had grown to 429,000 (69 per cent of the population), while the Arab population had grown to 193,000 (31 per cent of the population).

13. The increase in the number of housing units built since 1967 corresponds to the proportions of the population - as do current plans to build 15,000 new housing units in the eastern neighbourhoods of Jerusalem and 35,000 in the Jewish sector.

14. The traditional rural buildings in the eastern neighbourhoods of Jerusalem consisted of detached homes for the extended family on privately owned land. This proved to be very land-consuming, in comparison with the apartment blocks which characterize Jewish neighbourhoods. In the Arab sector, there is an average of 11 people living in 1.9 housing units per dunam (approximately ¼ acre) of land, while in the Jewish sector the figure is 19 people living in 5.9 units per dunam of land.

15. Much of the public building in the western neighbourhoods of Jerusalem has been financed by private donations received from the Jewish Diaspora, whereas the Municipality of Jerusalem and the government finance public building in all parts of the city.

16. The Municipality of Jerusalem has given priority to a development programme for eastern neighbourhoods of Jerusalem, in coordination with the Government of Israel. The total sum required to bridge the gap is estimated at 520 million New Israeli Shekels (NIS). The Government allocated NIS 450 million for this purpose. The sum of NIS 60.1 million was allocated by the Government in 1999 especially for the development of the eastern neighbourhoods of Jerusalem.

17. Between 1997 and 1999 a number of important projects were completed in the eastern neighbourhoods of Jerusalem. This included the construction of roads (NIS 42 million), improvements to existing roads (NIS 40 million), water and sewage systems (NIS 40 million), community centres (NIS 10 million) and other projects (NIS 47 million) for a total of NIS 179 million.

18. Town plans are in the process of being prepared for all neighbourhoods of the city. Whereas in the Jewish neighbourhoods it takes an average of three years to establish such plans, in the eastern neighbourhoods of Jerusalem, the historical factors outlined above cause the process to take considerably longer.

19. In Jerusalem, the policy has been to plan development in cooperation with the residents of the eastern neighbourhoods; for example in Tsur Baher, near Har Homa, 400 units to be built on government land will be marketed by an Arab association. The area has been re-zoned to allow for more intensive construction: 75 per cent of the land may be built on, as opposed to the 50 per cent which had been originally allocated.

20. At A-Sawaneh, a camp for homeless people had been set up on land belonging to the WAKF (Moslem Charitable Endowment), where a special education school was planned. The WAKF tacitly cooperated with the Municipality in evicting the residents of the camp and gave the land to the school, which was built by the Municipality.

21. All building plans are subject to approval by the District Planning and Building Committee. The rate of application for building permits corresponds approximately with the percentages of the population. In the first half of 1999, approximately 20 per cent of the total number of applications were received from residents of the eastern neighbourhoods of Jerusalem. Of the total applications for building permits which were received, approximately 60 per cent of those submitted by residents of the eastern neighbourhoods were approved and approximately 67 per cent of those submitted by residents of western Jerusalem were approved. In western Jerusalem, building infringements almost invariably consist of illegal additions built onto a legal building, such as a room in a courtyard or an attic added in a roof space. In the eastern neighbourhoods of Jerusalem, they typically take the form of entire buildings illegally constructed without a permit. Thus, demolitions in the eastern part of Jerusalem are far more extensive than in the western part of the city.

22. With respect to the demolition of illegally constructed buildings, the policy of the Municipality of Jerusalem is to issue a demolition order where the construction of such illegally constructed buildings interferes with plans for public facilities, such as schools or roads, or with the city's historical heritage. The Interior Ministry also has the authority to demolish illegal buildings. During the past years, there has been a growing trend of constructing buildings in the eastern neighbourhoods of Jerusalem which have been constructed without a permit. In 1997 the total number of such illegal new buildings was 202, in 1998 it was 485 and in 1999 it was 554. Only a small number of demolition orders are actually carried out each year.

Figures for the period between 1 January 1999–30 June 1999

	The western neighbourhoods of Jerusalem	The eastern neighbourhoods of Jerusalem
Applications for Administrative Demolition orders	9 orders	50 orders
Administrative Demolition orders carried out	4 orders	11 orders

It should be stressed that all demolitions are conducted with due process and subject to judicial review.

C. "Unrecognized villages"

23. Please refer to section II.M.4 in the Replies below.

D. An outline plan for the delivery of basic services to unrecognized villages

24. The situation regarding delivery of basic services to unrecognized villages is described below in the section II.M.4. As stated there, an outline plan for the villages without basic services has been established in specific governmental decisions and actions.

E. Situation in Ein Hod and Arab El-Naim

25. This issue is addressed below in section II.M.4. The village Arab El-Naim will be recognized when its plans are completed and approved. With respect to Ein Hod, its building plans are completed and await approval. When these plans are approved, it will be possible to go forward with infrastructure plans (electricity, water, sewage and communication).

F. The Jahalin Bedouins

26. The Committee showed particular concern for the situation of the Jahalin Bedouin families. This is a nomad Bedouin tribe which has never had a permanent residence. After the city of Ma'ale Edomim was built, the Jahalin took up residence near the city, on land which had already been purchased by other people.

27. The Jahalin filed a complaint with Israel's Supreme Court in 1996. The Supreme Court rejected their claim for the land. The court determined that the Jahalin came to that site only after the city had been built.

28. The Government then sought to move the Jahalin families to another site approximately one kilometre away from the previous site. The new site is located near a main road and is near a Palestinian settlement, which can provide them with civic services.

29. Each family was given a plot of land, registered in its name. The Government conducted a land-development project, which included connecting the site with the electrical power grid and laying down water lines. The plans were approved, and it was decided not to collect the taxes and fees that each resident would usually have had to pay with the development plan. Despite the fact that the Jahalin families resided in tents, which they retained, they were also given steel containers in which they could put their belongings. They were also encouraged to build permanent housing. The Government also gave each family that voluntarily moved, a sum of money to assist it during the interim period. These arrangements were agreed upon in the context of a settlement reached following a second petition by the Jahalin families to the Supreme Court, which was given force on 7 February 1999 (the full text of the settlement is enclosed herewith*). In sum, the living conditions of the Jahalin families have improved since their move to the new site.

II. REPLIES

30. The following paragraphs are replies to the Committee's "Principal subjects of concern" set out in the concluding observations (paras. 9-31).

A. Land and People (paragraph 8 of the concluding observations)

31. This issue is addressed in the Additional Information in section I.A above.

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* Available from the Secretariat.

B. Status of the Covenant (paragraph 9 of the concluding observations)

32. The draft Basic Law: Social Rights was discussed in the initial report. The Committee stated that its wording did not meet the requirements of Israel's obligations under the Covenant. The draft Basic Law: Social Rights is no longer pending in the Knesset. The future of such legislation is not clear. However, the rights protected by the Covenant are a part of the ongoing public debate in Israel and appear in regular curricula of law faculties. Moreover, economic, social and cultural rights are increasingly recognized as constitutional rights in Israeli jurisprudence. Further details will be submitted with Israel's second periodic report.

C. Equality for non-Jewish citizens (paragraph 10 of the concluding observations)

33. The Committee noted its concern that an excessive emphasis upon the Jewish character of the State may encourage discrimination. In this context, it is important to note a decision taken by the Government of Israel in October 2000 directly relating to this issue. This decision followed thorough preparatory work, involving most governmental agencies. The decision states in general that:

> "The Government of Israel regards itself as obligated to act to grant equal and fair conditions to Israeli Arabs in the socio-economic sphere, in particular in the areas of education, housing and employment.
>
> "The Government of Israel regards the socio-economic development of the Arab-sector communities of Israel as contributing toward the growth and development of all of Israel's society and economy.
>
> "The Government shall act for the socio-economic development and advancement of the Arab-sector communities and to reduce the gaps between the Arab and Jewish sectors ...".

34. The gradual implementation of this decision has already begun, but its full realization still awaits the passage in the Knesset of the Annual Budget Law for 2001. This decision reflects the Government's appreciation that progress in closing the gaps between Jews and Arabs has not been satisfactory during the past years.

35. The full text of this decision and further details will be submitted in Israel's second periodic report.

36. Furthermore, during the years 1995-1999 there was a five-year programme of development in the Druze and Circassian sectors. This programme included a budget of NIS 1,070 million (approximately US$ 250 million), which was primarily directed to different objectives, such as sewage, water, roads, electricity, health, housing and others.

37. On 30 July 2000, the Government decided to embark on a programme for the year 2000. This programme gave assistance to 11 local authorities with high rates of unemployment and continuing difficult social-economic conditions. This programme focuses on public utilities, public institutions and infrastructure. Among these authorities are three which contain mixed

Jewish and Arab populations: Lod, Ramla and Acre (which were also mentioned in the concluding observations). In addition, there is also a large Bedouin village included in this programme - Tel Sheva. Further details on this issue will be addressed in Israel's second periodic report.

38. Regarding the status of the Arabic language, under directive number 21.556A of the Attorney-General, concerning the translation of official documents from Arabic, it is prohibited to demand that a citizen must translate into Hebrew an official document which is in the Arabic language, such as a marriage certificate, a divorce certificate, etc. as long as this certificate was issued by an authority which is recognized by the State of Israel. In addition, the Attorney-General's directive prescribes that the Government must make its legal forms available in both Hebrew and Arabic. Furthermore, under a specific directive issued by the Attorney-General to the Ministry of Transportation, new car licence plates may carry the name of the State of Israel in Arabic as well as in Hebrew. The aims of the new directive are to emphasize the official status of the Arabic language in Israel, as well as to increase consciousness to the needs of minorities in Israel.

39. In another directive, the Attorney-General has directed all legal advisers of the civil service that all public tenders are to be published in both an Arabic language newspaper and a Hebrew one, as well as to be made available on the Internet. The directive stresses that it is prohibited to distinguish between public tenders according to their relevance to the Arab sector. Furthermore, the duty to translate the public tenders into Arabic rests with the Government.

40. Further details on the status of the Arabic language will be addressed in Israel's second periodic report.

D. "Institutional equality" (paragraph 11 of the concluding observations)

41. Regarding the comment concerning "institutional discrimination", notice should be taken of a recent decision of Israel's Supreme Court in the case of A'dal Ka'adan. The court ruled that it is the duty of the State and of the Israel Land Commission to give equal treatment for all in respect of land use (HCJ 6698/95 A'dal Ka'adan v. The Israel Lands Administration). The petitioners in this case were an Arab couple wishing to build a home in Katzir, a communal settlement in the Eron River region in the north of Israel. The Jewish Agency, in collaboration with the Katzir Cooperative Society, established this settlement in 1982 on State land that had been allocated to the Jewish Agency (via the Israel Lands Administration) for that purpose.

42. The Katzir Cooperative Society only accepted Jewish members. As such, it refused to accept the petitioners and allow them to build their home in the communal settlement of Katzir. The petitioners claimed that the policy constituted discrimination on the basis of religion or nationality and that law with regard to State land prohibits such discrimination.

43. The Supreme Court ruled that land allocation must be on an equal basis, that allotting land for the sole use of Jews in that area was illegal, and that allotting land to the Jewish agency, when the Agency discriminates, is also illegal as it constitutes indirect discrimination. This ruling reinforced the principle of non-discrimination regarding land use, although it was limited to the particular facts of this case. The general issue of use of State lands for the purposes of

settlement raises a wide range of questions. First, the decision in the Ka'adan case was not directed at past allocations of State land. Second, it focused on the particular circumstances of the communal settlement of Katzir. In discussing this issue, the Court did not take a position with regard to other types of settlements (such as commune-based kibbutz or moshav).

E. The Jahalin Bedouins (paragraph 12 of the concluding observations)

44. Please refer to paragraphs 26-29 above.

F. The Law of Return (paragraph 13 of the concluding observations)

45. The Committee noted its concern over the discrimination it perceived in Israel's Law of Return. The Israeli Law of Return personifies the very essence of the State of Israel as a "Jewish and Democratic State". During the period from 1939 onwards, it should be recalled that the gates of Mandatory Palestine, and in fact, nearly all countries, were closed to Jewish immigration, thus contributing to the death of millions of Jews in Europe at the hands of Nazi Germany during the Second World War. In the aftermath of the horrors of the War, and following the establishment of the State of Israel, Israel's founders enacted the Law of Return to give formal expression to the three central tenets underlying the establishment of the State as the only homeland for the Jewish people. That is to say, the creation of a Jewish State in the land of Israel, the ingathering of the Jewish exiles, in particular after the unfolding horrors of the Holocaust, and the preservation of a strong bond between the State of Israel and other Jewish communities around the world.

46. The Law of Return of 1950 and the Nationality Law of 1952 provide a right for Jews to immigrate to Israel and to automatically acquire Israeli nationality. This privilege, granted as part of Israel's immigration policy, is clearly a domestic matter, subject to the sovereign discretion of the State. However, it should also be emphasized that non-Jews are not prevented from immigrating to Israel, nor are there any restrictions on any particular group. Non-Jews who wish to acquire Israeli citizenship may duly apply for such citizenship in accordance with Israel's Nationality Law.

47. In this respect, Israel is not different from most other States which, upon attaining their statehood, and in accordance with the principle of self-determination, granted preference for the purpose of obtaining nationality of that State to individuals with certain social, cultural, or ethnic links to the State.

48. The Committee suggested in its concluding observations that the Law of Return should be placed on an equal footing with a Palestinian claim for a right of return. Israel's position maintains that a clear distinction should be drawn between its Law of Return and any Palestinian claim to a right of return. Further, this subject is part of the outstanding issues under negotiations between Israel and the Palestinians.

G. Employment (paragraph 14 of the concluding observations)

49. The Committee noted its concern over the rapid growth of unemployment in Israel. In fact, most of the increase in unemployment since 1996 stems from a slowdown in economic

activity in Israel and from exposure to globalization. Furthermore, an expansion of economic activity beginning in the second quarter of 1999 was accompanied by a decline in the unemployment rate, which had increased from 1996 to 1999, while employment continued its moderate growth.

50. New immigrants, mainly from the former Soviet Union, continue to arrive in Israel, albeit at a slower pace on the average than in the earlier years of the decade. Between 1996 and 1999, Israel's labour force grew by close to 9 per cent, in good part due to the entry of new immigrants into the labour market.

51. During 1997 to 1999, employment increased relatively slowly compared to the five preceding years (2 per cent per year in 1997-1999 as compared to 4.9 per cent per year in 1991-1996). In the period 1997-1999, the rise in employment was particularly pronounced among new immigrants, averaging 9.5 per cent per year. Employment among the very young, aged 15-17, declined by 8 per cent and remained stable among those aged 18-24. Both of these developments reflected the long-term trends in these age groups towards extended education and army service, as well as the effects of the slower economic activity in those years.

52. With respect to unemployment, the highest rates continue to be found among young workers aged 15 through 24. Unemployment was also particularly high among Arabs and other non-Jewish population groups in Israel, as well as among residents of development areas and new immigrants.

53. As mentioned, unemployment has worsened since 1997. Rising unemployment has necessitated a re-evaluation of employment and unemployment policies and measures. To the extent that data for 2000 are available, the trend seems to have been reversed during the year 2000.

54. Relatively small enterprises and enterprises whose products face competition from imports are particularly vulnerable to the slowdown in economic activity in Israel and from exposure to globalization, mentioned above. The employees of such firms are typically older workers and those with low education levels. It is almost certain that in some of these enterprises labour laws are not observed as they should be. Data show that during the past three years long-term unemployment has risen sharply, from 12 per cent to 16-17 per cent of the labour force.

55. Although data for the end of 1999 and the first half of 2000 indicate the possibility of sustained improvement in the employment situation in Israel, the significant rise in unemployment during 1997, 1998 and most of 1999 required the formulation and implementation of new employment policies and measures.

56. In recent years, there has been a growing awareness of the need for government intervention to assist the unemployed whose chances of returning to work would be hampered without such assistance. Various government ministries are involved in income-maintenance programmes and vocational training to help the unemployed.

57. Unemployment among **new immigrants** continues to be a problem. Unemployment among new immigrants rose steadily from 9.3 per cent in 1996 to 11.4 per cent in 1999. Such rates were substantially above the average for the economy as a whole in those years. From 1997 through 1999, the influx of new immigrants averaged 66,500 per year. The proportion of new immigrants in the labour force rose from 12 per cent in 1996 to 17 per cent in 1999.

58. Programmes to improve job opportunities for **new immigrants**, as well as the unemployed among **other groups** in the labour force, have included principally:

- streamlining of the public Employment Service activities to encourage employers to seek workers through the Employment Service and to improve the matching of job vacancies with job seekers;

- temporary employment programmes in the public sector;

- vocational training, retraining and on-the-job training.

59. Regarding unemployment among the **Bedouin** population, their rate of unemployment today is more than 20 per cent, as measured by generally accepted international definitions, compared to 8.3 per cent among the population as a whole. In recent years, the Government has undertaken projects to reduce the extent of unemployment among the Bedouin, including vocational training for adults and subsidized employment, particularly in areas related to tourism, such as in national parks and at archaeological sites.

60. With respect to unemployment among women, four authorities are presently actively engaged in Israel in promoting employment opportunities for **women**: the Authority for the Status of Women in the Prime Minister's Office; the Knesset Committee to Advance the Status of Women; the Unit for the Advancement and Integration of Women in the Civil Service Commission; and the Unit for Advancement of Women in the Ministry of Labour and Social Affairs.

61. With respect to women's advancement in government service, in 1999 the Unit for the Advancement and Integration of Women brought before the Civil Service Commissioner recommendations to require each government office to carry out a detailed investigation of women's advancement, to set specific goals on women's appointments for each government office, to include the subject of women's status in all educational activities undertaken by the Civil Service Commission and to promote changes in the State Service Law to make the Director-General of each government office directly responsible for implementing the Law in his or her office.

62. With regard to employment opportunities for women in Israel, the Authority for the Status of Women and the Knesset Committee on the Status of Women focused in 1999 and 2000 on the following areas: an initiative to train women soldiers in new military skills reserved in the past for men; an initiative to open new positions in the police force for policewomen with better

prospects of advancement and higher salaries; encouragement of Arab women to join the police force; and encouragement of Arab women to train as social workers in the Arab sector, which currently lacks sufficient social workers.

63. The public works programmes were addressed in Israel's initial report. These programmes have been continued since 1996 in an effort to find temporary solutions for the unemployed. The Government's interest in extending the scope of these projects should be noted, particularly among the long-term unemployed who have lost their skills and work habits. The Ministry of Labour and Social Affairs is developing programmes which combine vocational training and/or general education courses with employment on public works projects to increase the skills of such persons for the long term. Ministry of Labour and Social Affairs data indicate that in 1997, an average of 870 unemployed were working an average of about 18 days per month. This rose in 1998 to 1,280 persons working 17 days per month and, in 1999, to approximately 1,700 persons employed 17 days a month.

64. Further details regarding various employment issues will be addressed in Israel's second periodic report.

H. Employment of persons with disabilities (paragraph 15 of the concluding observations)

65. Regarding the employment situation of persons with disabilities, unfortunately the unemployment rates for such persons are relatively high. In a survey conducted by the Service for the Blind of the Ministry of Labour and Social Affairs, it was found that the rate of unemployment of blind persons was 72 per cent (March 1997). The estimate of the Rehabilitation Department of the Ministry of Labour and Social Affairs with respect to the rate of unemployment among persons with severe disabilities, physical illness, mental illnesses and retardation is 70-75 per cent. In a needs survey (1992), unemployment levels among deaf people aged 30-64 were found to be at 18-22 per cent. Moreover, experts in this field have indicated professional flaws in the policies of employment rehabilitation of people with disabilities. In particular, they have indicated that there was insufficient referral towards the free market, as opposed to the segregated employment frameworks which fail to utilize the qualifications and personal employment potential of such employees.

66. Persons with disabilities also earn relatively low wages: the Minimum Wage Law, 5747-1987 does not apply to protected enterprises and employees. Section 17 (a) of the Law authorizes the Minister of Labour and Social Affairs to prescribe in Regulations that the provisions of the Law will apply with respect to employees who have physical, mental or intellectual handicaps and are employed in protected enterprises in which the State Treasury participates in their budget. The Minister has not yet enacted such Regulations. In 1997, the Minimum Wage Law was amended (sect. 17 (b)) and the Minister was authorized to prescribe in regulations a reduced minimum wage for persons with disabilities employed in the free market. The regulations have yet to be enacted. (Draft regulations were recently circulated for the comments of the pertinent government ministries and public organizations.)

67. The **Equal Rights for People with Disabilities Law, 1998** regulates the right of people with disabilities to employment equality. Section 8 of the Law prohibits discrimination in employment on the grounds of disability and includes an obligation to make reasonable adjustments. Pursuant to the Law, the Minister of Labour and Social Affairs and the Minister of Finance are charged with the enactment of regulations to determine State participation in financing the adjustments. Such regulations have not yet been enacted. Section 9 of the Law prescribes, as a transitional provision for seven years, the duty of a person who employs in excess of 25 employees to ensure a fair representation of persons with disabilities. In addition, section 28 of the Law contains an indirect amendment of the State Service (Appointments) Law, 5719-1959 with respect to the duty of fair representation of persons with disabilities in the State Service. Section 16 of the Law prescribes that the Minister of Labour and Social Affairs shall initiate and develop programmes for employment rehabilitation of people with disabilities and that he shall submit a report each year on this matter to the Labour, Social Welfare and Health Committee of the Knesset. As of the present time, no such report has been submitted to the Knesset. Draft regulations regarding granting priority to persons with disabilities to receive parking spaces at workplaces was recently submitted by the Minister of Labour and Social Affairs to the Labour, Social Welfare and Health Committee of the Knesset, and a meeting was convened for the approval thereof.

68. Last year the Bar Association (Examination Arrangements in the Laws of the State of Israel and Practical Matters) Rules, 5723-1962 were amended, providing as follows:

> "(a) With respect to a written examination under Rule 18B, the examining committee, at the request of an examinee who is a person with a disability, within the meaning in the Equal Rights for People with Disabilities Law, 5758-1998, may determine for such person appropriate modifications on account of such disability which shall ensure that he or she will be examined under conditions which are equal, as far as possible, to those of the other examinees."

69. Altogether, the above-mentioned demonstrates that Israel is making an effort to decrease the unemployment rates among people with disabilities.

I. **Minimum Wage** (paragraph 16 of the concluding observations)

70. The Committee was concerned that only half of the workers who are entitled to minimum wage actually received it. The reliability of such data is now known to be problematic, due to difficulties in determining the number of workers who are in fact entitled to minimum wage. According to a recent study conducted by the Ministry of Labour and Social Affairs, the percentage of workers who do not receive the legal minimum wage (per hour) is about 5.5 per cent of **the whole working population**.

71. The **Minimum Wage Law, 1987** was revised and strengthened in 1997. This Law is enforced by the Enforcement Division of the Ministry of Labour and Social Affairs. The Ministry's inspectors regularly conduct on-site inspections at workplaces throughout the country. Employers who violate this law are fined or, in rare cases, prosecuted, and are required to pay workers the differences between the actual wages paid and the statutory wages, in accordance with the Law.

72. Enforcement covers all workers: adult Israelis, teenage workers, Palestinian workers, foreign workers and workers hired by manpower contractors. The last three groups were of special concern to the Committee.

Minimum Wage Law Enforcement Report (1996)

With findings

Date	Male workers					Female workers					Total	Total No. of employers (cases)
	Foreigner	Jew	Arab	Jewish youth	Arab youth	Foreigner	Jew	Arab	Jewish youth	Arab youth		
1996	1 096	916	781	63	37	66	1 654	890	39	127	5 669	284
Summer raids				32					37	1	70	27
Total	1 096	916	781	95	37	66	1 654	890	76	128	5 739	311

Without findings

Date	Male workers					Female workers					Total	Total No. of employers (cases)
	Foreigner	Jew	Arab	Jewish youth	Arab youth	Foreigner	Jew	Arab	Jewish youth	Arab youth		
1996	3 096	13 775	2 713	311	103	420	18 874	2 077	405	151	41 925	331
Summer raids		32		371	1		25		350	18	797	30
Total	3 096	13 807	2 713	682	104	420	18 899	2 077	755	169	42 722	361

Minimum wage violation compensations

Sector	No. of female workers	Total in NIS	No. of male workers	Total in NIS
Jewish	789	159 337	520	114 158
Arab	1 005	170 321	318	87 188
Jewish youth	36	3 951	58	6 981
Arab youth	85	23 586	61	7 354
Foreigners			371	881 710
Total	1 915	357 196	1 328	1 100 224
Cumulative total	3 243 workers received 1 457 421 NIS			

Source: Ministry of Labour and Social Affairs.

Minimum Wage Law Enforcement Report (1997)

With findings

Date	Male workers					Female workers					Total	Total No. of employers (cases)
	Foreigner	Jew	Arab	Jewish youth	Arab youth	Foreigner	Jew	Arab	Jewish youth	Arab youth		
1997	1 609	631	45	32	9	160	698	178	27	8	3 397	358

Without findings

Date	Male workers					Female workers					Total	Total No. of employers (cases)
	Foreigner	Jew	Arab	Jewish youth	Arab youth	Foreigner	Jew	Arab	Jewish youth	Arab youth		
1997	856	19 430	2 389	614	131	143	16 966	1 159	386	84	42 208	346

Minimum wage violation compensations

Sector	No. of female workers	Total in NIS	No. of male workers	Total in NIS
Jewish	589	124 190	604	93 625
Arab	136	33 877	63	17 016
Jewish youth	34	9 928	23	5 779
Arab youth	3	946	1	218
Foreigners	-	-	1 195	3 063 471
Total	762	168 943	1 886	3 180 110
Cumulative total	2 648 workers received 3 349 053 NIS			

Source: Ministry of Labour and Social Affairs.

73. The last years show an increasing enforcement activity:

Inspections, violations and compensation 1998-1999

	1998	1999
Workplaces inspected	2 560	6 500
No. of workers at inspected sites	17 780	36 000
Men	11 316	27 000
Women	6 464	9 000
No. of violations of the law	3 884	1 981
Men	3 159	1 720
Women	725	261
Compensation (back pay) by employers	NIS 6.2 million	NIS 4.7 million
Men	NIS 5.7 million	NIS 4.5 million
Women	NIS 0.5 million	NIS 0.2 million

Source: Ministry of Labour and Social Affairs.

74. In 2000, the policy concerning the enforcement of the minimum wage (described in Israel's initial report) was revised. From now on, an extended effort will be made to take legal action against employers violating the law, seeking compensation by the employer for the workers - especially in serious cases. However, the success of this policy depends on adequate means being allocated to the Ministry in the 2001 budget.

75. Among foreign workers, it is estimated that a higher percentage of workers do not receive the legal minimum wage (per hour of work). It is for this reason that much of the enforcement efforts are being directed to this part of the labour market.

J. **"Manpower Contractors"** (last part of paragraph 16 of the concluding observations)

76. The case of "manpower contractors", which was of particular concern to the Committee, was recently addressed by the Knesset. Responding to such concerns, the Minister of Labour and Social Affairs initiated a draft bill in 1999 aimed at radically reforming the existing law. While the Government was still discussing this proposal, a private Knesset member succeeded in passing a private member's bill. As a result, the law was radically amended in 2000.

77. This amendment limits the use of workers through such contractors to a maximum of nine months, plus six additional months by special permit of the Minister of Labour and Social Affairs. It also stipulates that a contract worker posted in the same user enterprise over the said time limit will automatically be considered as the user enterprise's employee. Additionally, a contract worker is entitled, from his first day at the user enterprise, to the same rights enjoyed by the user enterprise's employees of similar occupation and seniority at the workplace.

78. This amendment was due to have taken effect in January 2001. It constitutes a major reform, affecting about 6 per cent of the salaried workers in Israel. Thus, a period of time was required before its entry into force. However, even this period now seems insufficient, at least for the public sector. The amendment necessitates a reconsideration of the form of employment of thousands of contract workers posted in the public sector. Thus, the Government has requested the Knesset to postpone the entry into force of this amendment until January 2002, in order to complete its reorganization. This request is still pending in the Knesset, within the legislative drafts accompanying the passage of the annual governmental budgets.

79. In addition, the Minister of Labour and Social Affairs has used his enforcement powers against many employment agencies, when complaints and inquiries have shown infractions of the law, including the legal obligations of an agency as an employer. Such administrative activities have produced in one or more of the following results:

(a) Reimbursement by the agency of sums due to its employees;

(b) Limiting the scope of an agency's activities until fulfilment of certain conditions;

(c) Appointing an accountant to verify compliance by an agency of certain fiscal conditions;

(d) Penal indictment, mainly to enforce the prohibition against operating an agency without a permit;

(e) Cancellation of a permit.

80. Finally, it should be noted that the number of authorized employment agencies in Israel has now reached 300. It is noteworthy that more than 100 agencies which were operating before the entry in force of the law in 1996 have ceased to operate following its implementation.

K. Closures (paragraphs 17-19 of the concluding observations)

81. From 1998 through September 2000 (the last relevant date for the requested additional information), there were only five closures per year. Most of these were on non-working days in Israel. In the year 2000, up until September, only two days of closure were enforced. These closures were coordinated with the Palestinian Authority. Prior to September 2000 - the date of the current outbreak of violence in the West Bank and the Gaza Strip - closures were not an issue that affected the daily life of the Palestinian population.

82. Prior to September 2000, any person with a job who satisfied certain criteria received a permit to enter Israel to work. This included being married, being over 21 years old, having children and no previous involvement in criminal activities.

L. Permanent residency (paragraph 20 of the concluding observations)

83. A significant change has occurred on this subject since the Committee's comment. On 31 October 1999, the criteria pertaining to the loss of residency changed, following a petition to Israel's Supreme Court, in the case of The Centre for the Protection of the Individual v. The Minister of the Interior (HCJ 2227/98). This case is still pending before the Court. The original criteria had determined that any resident who moves his or her centre of life outside of Israel for seven years or more would lose his residency. Under the new policy, this rule is not applied to a person who maintains a "proper link" to Israel during the said period. Furthermore, persons who have lost their permanent residence status since 1995 may now regain it: persons who visited Israel since leaving the country and who have lived here for two years will be viewed as having received a new permanent residence permit since their arrival. Whoever lost his or her permanent residency status without notice from the Ministry of the Interior will be viewed as having a permanent residence permit if he or she visited Israel during the time that his or her Leaving Card is valid. These new criteria are more lenient. They were enacted to minimize the retroactive aspect of this directive and to increase the transparency of this process. (The Committee had been concerned about both of these issues.)

84. The Committee further expressed concern with the process of family reunification for foreign spouses. This process is a gradual process, which lasts approximately five years from the day of the request. During the waiting period the spouse receives visiting visas and temporary residency licences, so that he or she can work and live in Israel.

85. The probation period test has three criteria: (a) whether the spouse is indeed a genuine spouse; (b) whether the spouse is not a risk to the security of Israel or to public safety; and (c) whether the spouse's centre of life is in Israel. At the end of this process the spouse receives a permanent residency license.

86. Since 1990, there have been approximately 10,000 reunification applications in the eastern neighbourhoods of Jerusalem, most of which were received between the years 1994 and 1995. Due to lack of manpower, combined with the high number of applicants, the length of time that it took to complete the process increased. In 1999, the Interior Ministry increased the number of personnel dealing with these requests, creating a special team for this purpose. Since then the length of time needed to complete this process has decreased, and the whole process became more efficient. As of now, all requests filed up to the year 2000 have been dealt with. During 2001 it should be possible to give immediate response to each application. However, a final response may still take months, since the process is a complicated one.

87. Of the 10,000 applications, 6,000 are in various stages of the process. Most of the applicants have received visiting and residency permits, and live in Israel with their spouses. Seven hundred applicants have completed the process to receive a permanent residency permit and are now permanent residents. The remainder have received a negative answer to their application. Negative answers are due to failure to meet the various criteria: sincerity of marriage, that the spouse's centre of life is in Israel, or a criminal or security problem.

88. Israel's Supreme Court, in its decision in HCJ 3648/97 Stamka v. The Minister of Internal Affairs, ruled that there must be equality in the status of spouses of Jewish and non-Jewish Israeli citizens concerning the acquisition of Israeli citizenship by marriage. This was done by upholding a change in the Ministry of the Interior's policy, which no longer favours Jewish citizens by automatically granting citizenship to their foreign national-spouses. The Supreme Court held that section 4 (a) of the Law of Return should apply solely to the spouses of new Jewish immigrants, and not to those of Israeli Jewish citizens, regardless of their ethnic origin.

M. Land use and housing

1. Eastern neighbourhoods of Jerusalem (paragraphs 21-22 of the concluding observations)

89. See section I.B in the Additional Information above.

2. Arab neighbourhoods in cities with mixed Jewish and Arab populations (paragraph 23 of the concluding observations)

90. The situation in cities with mixed Jewish and Arab populations, such as Jaffa and Lod, was of concern to the Committee. This situation has been addressed by two Government decisions, already mentioned. In one decision, on 30 January 2000, the Government decided to embark on a programme for the year 2000. This programme gives assistance to 11 local authorities with high rates of unemployment and continuing difficult social-economic conditions.

The programme focuses on public utilities, public institutions and infrastructure. Among these authorities are three municipalities with mixed Jewish and Arab populations: Lod, Ramla and Acre. Further details on this issue will be submitted in Israel's second periodic report.

3. Israeli settlements in the West Bank and the Gaza Strip
(paragraph 24 of the concluding observations)

91. Please refer to Israel's position on the applicability of the Covenant in this regard as set out in section I.A of the Additional Information above.

4. The Bedouin unrecognized villages - provision of basic utilities and status (paragraphs 26 and 28 of the concluding observations)

Provision of basic utilities

92. A recent budget proposal for the years 2001-2004 requests the allocation of NIS 1,195,050,000, based on a four-year plan, for the completion of development and infrastructure in the existing Bedouin towns. This is a significant sum, which is to be used to complete the infrastructure in existing Bedouin settlements to construct water and sewage infrastructure where it is incomplete and for the establishment of public facilities such as schools, clinics, etc.

93. The total funds allocated to the Bedouin sector within Israel's budget for the year 2000 were increased threefold in comparison to the period of Israel's initial report.

94. Water is allocated to the Bedouin community living in illegally constructed villages through the "Water Connections Allocation Committee". Within the last three years, the total number of connections to the water main lines has increased from 60 connections to 260 connections. Except for 50,000 of the Bedouin population, all of the unrecognized villages have a connection to water services. The 50 per cent of the Bedouin population who live outside the recognized settlements are allowed to tap into the National Water Carrier system at designated sites in order to bring drinking water to their homes.

95. The establishment of a sewage system is under the authority of the local municipalities. The minority local municipalities receive generous loans for this purpose which exceed those furnished to Jewish local municipalities.

96. The Israeli Government seeks to establish six new "Service Centres" for the Bedouins living in the Negev. When completed, these centres will contain facilities for various service providers, ranging from educational facilities, religious centres and health centres to shopping and industrial facilities. It is planned that these centres will be built outside of existing towns, with the purpose of serving as a basis for new Bedouin towns.

97. Since Israel's initial report, new industry and trade centres have been built in Hura, Segev Shalom and Aroer.

98. Electricity. Until 1996, most unrecognized villages could not be connected to electricity as a result of section 157A of the Planning and Building Law which prohibited the connection to the electricity grid of illegally built buildings (i.e. buildings not having received building permits or which deviated from the terms of such permits). This section was introduced to provide an effective sanction against the disregard by builders of planning regulations. The provision, which also prohibits hook-up of water and telephones, applies equally to the entire population. However, the Knesset decided to mitigate the effect of the section on the Bedouin unrecognized villages and passed a special law (The Supply of Electricity (Special Provisions) Law, 1996) allowing the connection of illegally constructed buildings in a large number of Bedouin villages to the electricity grid, provided that there was no outstanding court order to demolish the building and that it was built prior to Section 157A coming into force (1987). The special law should facilitate the connection of approximately 10,000 buildings to the electricity grid. To date 4,000 buildings, mostly in unrecognized villages, have been approved for connection.

99. Health. Since Israel's initial report, five additional Health Fund medical clinics (Kupat Holim) were built to provide for the needs of Bedouin living outside the Bedouin towns, raising the total of such clinics to seven. In addition, five new Mother and Child Health Clinics (Tipat Halav) have recently been built in Bedouin towns.

100. The infant mortality rate of Bedouin in the Negev is 13 per 1,000 population. Of these, 5.8 per 1,000 die of congenital malformations and inherited diseases, more than double the average national rate. This is due to a very high rate of first cousin-marriages (above 45 per cent) and second-cousin marriages (above 10 per cent) in this population. For the past six years, the Ministry of Health has been funding a programme aiming at reducing infant mortality, through a multiphase, multidisciplinary programme. This programme has been designed in concert with the Bedouin population to be culturally appropriate and culturally sensitive.

101. Education. Regarding education, it should be emphasized that pupils in unrecognized villages are entitled to the same level of education as all other pupils in Israel. However, it is not possible to build elementary and high schools in every village, whether recognized or not. Thus, 11 per cent of the pupils in Israel (Jews and non-Jews) study at regional schools that serve rural localities. Thus, it is not uncommon that even *recognized* localities do not have their own local schools.

102. Pupils in the non-Jewish sector who reside in localities that have no recognized municipal status attend schools in recognized localities. However, there are logistic difficulties in providing access to schools for pupils from unrecognized villages, since schools are built in accordance with approved zoning plans to meet primarily the needs of the recognized settlements. However, in any case, transportation services to schools are provided by the State for most pupils in unrecognized villages.

103. Furthermore, the special situation of pupils from unrecognized villages is given consideration by the education authorities. The education system allocates extra resources (primarily study hours) to schools whose pupils suffer from environmentally caused academic disadvantages. A special index is used to determine the eligibility of schools to receive such additional resources and one of the criteria of this index in the non-Jewish sector is the inclusion

of pupils from unrecognized villages. In other words, the higher the percentage of pupils who come from families that reside in unrecognized villages, the more resources are allocated to the school. Thus, schools with pupils from unrecognized villages receive additional teaching hours which enable them to deal with the specific problems of this population (most notably, poor domestic complementary studying conditions).

104. All the Bedouin pupils study in 53 primary schools and 10 secondary schools. In the unrecognized settlements there are 15 primary schools and 80 kindergartens for children from the age of three.

105. The education system in the Bedouin sector faces many difficulties that are partially due to the unique Bedouin style of life in a plethora of unplanned settlements and to their culture:

(a) Girls drop out of school at a young age because they get married or due to cultural traditions;

(b) Boys leave the education system early to enter the work force;

(c) Polygamy (up to 4-5 wives per man) raises the birth rate (5 per cent per year), causes irreparable psychological damage to children, as well as unemployment, neglected and destroyed homes, low educational achievements, etc.;

(d) Many Bedouin pupils prefer to receive a certificate at the end of 12 years of education, instead of a matriculation certificate.

106. Nevertheless, in recent years there has been a remarkable improvement in the situation of the Bedouin education system:

(a) The number of pupils, and especially female pupils, is continually increasing. This means that the phenomenon of dropping out of the school system is continually decreasing;

(b) The educational achievements in primary education have improved during the last two years due to an intensive programme of pedagogical intervention;

(c) A retired Jewish principal has been assigned to every school principal to provide guidance both in the area of education and in management;

(d) A computerized centre has been established to reduce the phenomenon of school drop-outs. There is a computerized follow-up of pupils at risk and much effort is being invested in bringing them back to their studies;

(e) Ben-Gurion University and the Kaye College have strengthened the teaching forces in the secondary education system in order to increase the number of pupils who receive matriculation certificates. Over the last three years the number of pupils receiving matriculation certificates has constantly increased, from 10 per cent to 32 per cent;

(f) The number of Bedouin teachers in the system continues to increase. Today they make up 60 per cent of all the teachers in the Bedouin educational sector system in contrast to four years ago when they comprised only 40 per cent of the teachers.

Comparative statistics, by year, in the Bedouin educational sector

Number of pupils

Year	Pupils
1998	40 006
1999	43 741
2000	47 253

Number of teachers

Year	Teachers
1998	1 721
1999	1 881
2000	2 150

Matriculation certificates

Year	Percentage of pupils receiving matriculation certificates
1998	15%
1999	29%
2000	30%

107. Right to plant. The Government is not aware of any policy which denies landowners the right to plant fruits and vegetables. It may be the case that such restrictions are imposed on illegal occupiers of land.

Planning

108. A few preliminary points should be noted. There have been no expropriations of Bedouin land since 1989, aside from expropriation for the purpose of road or railroad construction. The last expropriation, which occurred in 1989, was done for the purpose of building a new Bedouin town.

109. The information received by the Committee regarding *ownership claims on Bedouin lands* is inaccurate. The Land Settlements Department was not established to address Bedouin land claims, but was established by the British Mandatory government in the 1930s to deal with various land claims in the absence of legally registered rights in Mandatory Palestine. Since

then, the Department has addressed title claims involving all sectors of the population in Israel, including, inter alia, Bedouin claims. Legal title must be proven before the Department in accordance with the rules laid down by law, and the Department has little, if any discretion in the matter. It can neither grant title where none has been proven, nor revoke title where it has been established.

110. Bedouin land claims are dealt with by the Department in the same manner in which all such claims are treated. Near the end of 1998, 3,274 such claims were presented by Bedouins claiming a total of 730,000 dunams. The Land Rights Settlement Ordinance [New Version], 1969 authorizes the Department to admit land claims if proof of registered ownership or uninterrupted possession is provided. However, in many cases Bedouin claims are not supported by proper documentation establishing ownership. Furthermore, Bedouin land title claims are often exorbitant, and cover huge areas of land through which they moved during the years, without maintaining continuous possession. Thus, most claims do not satisfy the legal requirements provided in the law.

111. Nonetheless, in an attempt to come up with pragmatic solutions, the Government has decided to approve financial settlement with the Bedouins. In 168 cases, a settlement has been reached and in 527 other cases the Government has expropriated the land in question and is negotiating a financial settlement (to date, compensation has already been paid for 46,000 dunams of the 75,000 taken). The Department is negotiating a settlement for the remaining 2,500 land claims raised by the Bedouins, covering an area of 550,000 dunams.

112. Finally, hardly any of the illegal Bedouin houses in the Negev have been demolished within the last two years. According to recent estimates, there are currently over 60,000 illegal houses in the Negev.

Planning - the Bedouin sector in the north

113. In 1998, the Government decided to embark upon a five-year programme to develop the Bedouin settlements in the north. The budget for this programme should be NIS 615 million (approximately US$ 154 million), from 1999 to 2003. This programme encompasses many subjects, including developing new neighbourhoods, building public institutions, building roads, sewage, industrial areas, improving the education system, building social services institutions and more. This programme has been in progress since 1999, although it has not been fully implemented in every area, because of administration problems.

114. The following table provides information concerning several prior decisions to give a legal municipal status to several "unrecognized villages". These villages are currently in different stages of the process for approving the plans. Settlements with approved plans may go forward with infrastructure plans (electricity, water, sewage and communication). These settlements are:

	North District	Haifa District
Plans in planning stages	1. Sawaid Hamira 2. Arab El-Naim	
Plans in approval stages	1. Hussnia 2. Ras El-Ein	1. Ein Hod
Plans approved	1. Dmeira 2. Kamane	1. Hawaled 2. El Arian

115. As can be seen in the above table, the village of Arab El-Naim will be recognized after its plans are completed and approved. Ein Hod's building plans are completed and await approval (both these settlements were of special concern to the Committee).

Planning - the Bedouin sector in the south

116. There are now, according to estimates, more than 120,000 Bedouins living in the Negev desert area, in the south of Israel, with a yearly population growth rate of about 5.8 per cent .

117. In 1999, the Government decided on the establishment of up to five new Bedouin towns. Under a special new arrangement made for the compensation of Bedouins moving into towns or recognized villages, Bedouins shall not be charged for the land in the new village. Moreover, they shall receive significant compensation for any property they had to abandon at the illegal settlement.

118. A new proposal seeks to establish four additional Bedouin settlements: two villages, a suburban town and an agricultural village. In addition, two new neighbourhoods are to be built in existing towns.

119. The aforementioned decisions gained the support of the Ministry of Health, the Ministry of Education and the General Health Fund. Each of these will be responsible for the establishment of its institutions in the new settlements, in order to provide for the establishment of an infrastructure of schools and health services.

120. On 21 August 2000 the Government decided to embark upon a new policy regarding the Bedouin population in the south. The purpose of this new programme is to close the social and economic gaps which exist between this population group and the rest of the population.

121. The Government's new programme includes the building of new settlements for the Bedouin sector. An attempt will be made to meet the requirements of the Bedouin population for additional land. However, ownership of land will no longer be a precondition for supplying services. New settlements have already been decided upon and will include Mareit (Darajat), Beit-Pelet, and Beit-Hil. Regarding these new settlements, plans were already presented to the planning institutions for approval. The new settlements of Hawashla, UmBetin, Tarabin AlSana, and Molada are still in the planning stage.

122. To sum up the planning situation in the south:

	South District
Plans in planning stages	Hawashla, UmBetin, Tarabin AlSana, and Molada
Plans in approval stages	Tarabin A-Sana Beit Pelet, Mareit and Be'er Hail Kochle
Plans approved	

N. Regional master plans (paragraph 27 of the concluding observations)

123. The Committee was concerned with the Regional Master Plans for the North District of Israel and for the Negev. This issue concerns more the needs of the Israeli Arabs than the Bedouin "unrecognized villages" situation, which was dealt with in the preceding section.

124. It should be noted that a new district plan for the North District of Israel was deposited on 7 September 1999. Most of the development suggested in the new plan is in the central sector of the Galilee, where 41 per cent of the Jewish population in the district resides and 82 per cent of the Arab population in the district resides. The accelerated development of this sector will increase the standard of living for both population groups, and especially the Arab population because of its more substantial weight. Furthermore, the plan gives special consideration to the special demographic needs of the Arab population, which are greater than those of the Jewish population group.

125. New Arab settlements are not in planning due to a policy the purpose of which is to develop existing settlements. This policy was adopted on the basis of trend analysis and interviews with the heads of the Arab population. This is linked with the phenomenon of illegal construction in the Arab sector, which is in itself a complex issue.

126. The Arab population growth rate is 3 per cent per year. The number of new families that need housing is about 10,000 a year. A large part of the Arab population solve this housing problem within the confines of existing familial housing (by enlarging an existing house or adding another building in a family courtyard). Every year the pressure for adding more plots and enlarging existing settlements grows. The phenomenon of illegal construction is fuelled by these factors.

127. Illegal construction occurs, in part, on land owned by a family which is not approved for residence. Additional instances of illegal construction take place by seizing public lands. Ordinarily, Arab housing is in single-story buildings, in low-density construction. With time these buildings become multi-storey buildings through enlargement for descendants. The only high-density construction in the Arab sector is in Jewish-Arab communities or mostly Jewish

communities. Since the size of such communities cannot increase indefinitely, and since the problem worsens each year, there is a growing need to move toward multi-storey (high-density construction).

128. Regarding the Negev area in the south of the country, a new district plan was approved on 23 January 2000. Among this plan's goals are to integrate the Bedouin population in the south. It increases the area of the Bedouin city of Rahat and of six other Bedouin settlements.

129. The Bedouins, however, have petitioned Israel's Supreme Court, contending that the district plan does not reflect their need for rural settlements. The petition is currently pending before the Court.

130. It should be noted that in a recent survey conducted by the Government, out of 74 communities with mostly Arab population, 37 had approved local plans, while the rest were in various stages of approval or planning.

O. **Disparities in the educational system** (paragraph 29 of the concluding observations)

131. The issue of eliminating disparities in the educational system in Israel is a priority on Israel's agenda. The main priorities for the Ministry of Education beginning in 1999 were: closing the gaps by raising peripheral municipalities and weak population groups; affirmative action for the Arab educational system; elevating special education; increasing the number of students with matriculation entitlement. Further details on this issue will be included in Israel's second periodic report.

132. The gap between the Arab and Druze pupils and their Jewish counterparts is still evident. The Arab and Druze sectors receive relatively higher rates of construction budgets. Furthermore, the five-year programme begun in 1991 has been completed after narrowing but not closing the mentioned gap. The Ministry of Education has therefore put affirmative action at the head of its agenda. In 1999, the Ministry of Education embarked on a new five-year programme and other activities. These are intended to equalize the educational and budgetary standards of these sectors with that of the Jewish education sector.

133. The Ministry of Education has allocated an extra budget of NIS 250 million (approximately US$ 62.5 million), over a period of five years, beginning in the year 2000. A steering committee for the programme has determined a basic programme for its application, based on the recommendations of three different committees.

134. The programme's main goals include:

(a) Increasing the number of pupils eligible for matriculation;

(b) Reducing dropouts;

(c) Increasing the amount of teaching classes;

(d) Improving the psychological assistance and the counselling sectors;

(e) Improving the special education;

(f) Improving the technological education;

(g) Training the teaching, psychological and counselling staffs.

135. The programme operated in the following areas in 2000:

(a) It upgraded 1,526 computer stations;

(b) It gave scientific equipment to kindergartens and primary education schools;

(c) It increased the number of pupils eligible for matriculation;

(d) It developed curricula;

(e) It trained teaching staff.

136. Disparities between the Arab sector and the rest of the population still exist, especially in post-secondary education. The gaps are even larger when observing only the female population. The rate of Arab students attaining matriculation is about half that of the Jewish sector, and among these only a quarter apply to universities. Among the Jewish population, only about 5.5 per cent do not work or study, compared to 14.3 per cent in the Arab population. Only about 25 per cent of the Arab sector study in technological education, compared to about 30 per cent for the rest of the population. Half of the classes in Arab technological education are at a level of study which is not sufficient to qualify them for the matriculation examinations.

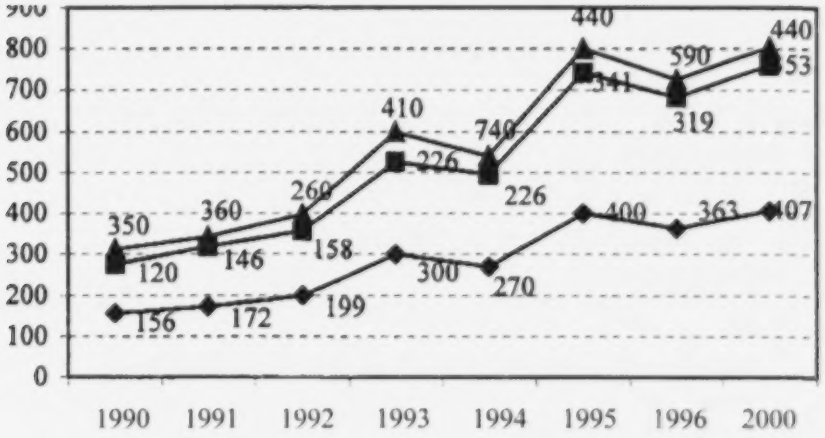
137. These gaps are the reason for the policy of affirmative action taken by the Ministry of Education.

138. Further details on these issues will be included in Israel's Second Periodic Report.

139. Apart from the aforementioned activities of the Ministry of Education, one should recall the recent governmental decision on affirmative action in the Arab sector (reported in the Replies in paragraph 33 above).

CONSTRUCTION OF CLASSROOMS IN THE ARAB AND DRUZE SCHOOLS (1990-2000)

Number of classrooms



▲•Druze schools

■•Arab schools

♦•Total

Source: Ministry of Education.

P. The National Health Insurance Law (paragraph 30 of the concluding observations)

140. The Committee's statement regarding the changes in the National Health Insurance Law (as amended by the Arrangements Law for the year 1998) is partially inaccurate. There is no periodic health tax that is linked to the amount of health services needed, but rather a requirement for a minimal co-payment for certain services, in a manner designed to minimize the impact on the weaker socio-economic groups.

141. At the inception of the National Health Insurance Law in 1995, residents were required by the health-care services providers (four in number) to make co-payments for medications. One health-care service provider also required co-payments for visits to medical specialists. In 1998, the other three providers were authorized to require co-payments in various minimal amounts for visits to specialists and certain outpatient clinics. The co-payments are permitted once per calendar quarter per specialist visited, subject to a quarterly maximum payment per individual and a maximum payment per family, regardless of the number of family members for which the family head is responsible.

142. The change in the National Health Insurance Law was made in order to allow greater financial flexibility for the health-care providers, as an incentive to reduce unnecessary use of

medical services, and to reduce the budget deficits of the health-care providers. In order to avoid harming the weakest socio-economic groups and to minimize the impact on others, the co-payment requirement is subject to the following limitations:

(a) Residents receiving supplemental income payments pursuant to the National Insurance Law are exempt;

(b) Residents receiving support payments pursuant to the Maintenance (Assurance of Payment) Law are exempt;

(c) Residents receiving invalidity or disability payments pursuant to the National Insurance Law are exempt;

(d) Residents who have AIDS, cancer, kidney disease requiring dialysis or other specified illnesses are partially exempt;

(e) There is no co-payment requirement for visits to primary care physicians, paediatricians, gynaecologists or internal medicine specialist.

143. In addition to the exemptions specified above, the Ministry of Health periodically reviews the impact of the co-payment requirement to determine if changes are warranted.

144. Additionally, it must be noted that the "basket of services" which is provided to insured persons pursuant to the National Health Insurance Law is reviewed at least annually, and medical technologies and procedures, as well as new medications, are added.

Q. **Domestic violence against women** (paragraph 31 of the concluding observations)

145. This issue was of concern to the Committee. Protection from violence is provided at 12 shelters for battered women, located throughout Israel. Due to their particular cultural and religious needs, there are special Centres for Arab women and for ultra-Orthodox Jewish women. Together, these shelters provide emergency intervention for nearly 1,600 women and children yearly. The Ministry of Labour and Social Affairs covers 75 per cent of the cost of these shelters, and the remaining 25 per cent is provided by women's volunteer organizations. In recognition of the particular needs of the Arab community, the Ministry of Labour and Social Affairs covers 100 per cent of the operating costs of such shelter.

146. The shelters provide professional counselling, legal advice and assistance, childcare and rehabilitation. Several shelters also have multilingual staff and volunteers in order to assist immigrant women. Children continue in community-based day-care or elementary school frameworks while residing in the shelter. However, some shelters restrict, for reasons of space, the number of children a woman can bring with her to the shelter. Of course, this restriction creates an untenable conflict for some women. In addition, there are 30 transitional apartments which provide women with additional options when they are ready to leave the shelters.

147. A unique shelter for abusive men who have been removed from their homes by court orders, has been established. In this shelter, the men receive group and individual treatment, as well as consciousness-raising and behaviour modification opportunities.

148. At least 10 hotlines are devoted to battered women throughout the country; one is devoted to Arabic speakers, while Russian and Amharic speakers are available on most of the others. Callers receive advice and information from trained volunteers.

149. The Authority for the Advancement of the Status of Women (AASW) has initiated a programme of workshops in all government ministries regarding violence against women.

150. Police treatment of domestic violence: police personnel currently receive special training for dealing with family violence. Police policy provides that domestic violence be treated as a violent crime and that the victim be protected. Furthermore, the police may continue to investigate a complaint of violence even if the woman withdraws her complaint. However, as in most countries, the majority of abused women do not file complaints with the police.

151. The police also have the prerogative of filing a report even if the abused woman declines to do so. Women's organizations report that cooperation with the police is generally effective, and the Minister of Public Security has appointed an Adviser on Violence against Women.

152. There are 25 Centres for the Prevention of Violence in the Family located throughout the country. These centres are jointly funded and administered by the Ministry of Labour and Social Affairs, women's organizations and the local authorities. The centres provide direct treatment, visiting centres where parents and children who have been separated can meet (under supervision, if necessary), legal advice, research and information.

153. A women's NGO, in conjunction with Physicians for Human Rights, has developed a project to train multidisciplinary emergency room staff and to improve their sensitivity and their treatment of women suffering from battering and violence. The three-session training course includes lectures and small-group workshops, as well as work with the hospital's administration and management. Based on a pilot trial, the project has been extended to four hospitals.

154. The law has recognized the "Battered Women's Syndrome", acknowledging the right of a battered woman to defend herself against her attacker and effectively broadening the definition of "self-defence".

155. Furthermore, the Knesset has passed an amendment to the Penal Code to allow the courts to impose more lenient sentences on victims of severe abuse who have been convicted of murdering the perpetrator of the abuse. While the amendment is not limited to abuse within the family, it seems that this will be among its most important applications.

156. Israel's eight rape crisis centres receive over 10,000 referrals each year. These centres also maintain hotlines and provide educational services. Public support for the rape crisis centres remains low; donations provide most of the support. The centres report that while police

directives are meant to provide sensitive and effective care for the victim, the implementation of these directives is not uniform throughout the country. Moreover, in Israel, as in other countries, assaulted women are often reluctant to contact the police.

157. In March 1995, the Knesset appointed a Parliamentary Committee of Inquiry to investigate the subject of women murdered by their spouses and life partners. The mandate of the Committee was further broadened to include the investigation of violence against women. The Inquiry Committee presented its conclusions and recommendations in June 1996. This comprehensive report analysed the causes of domestic violence, the adequacy and efficacy of existing services, and gaps in the provision of service. The report presented comprehensive, integrated and binding recommendations to each of the relevant ministries.

158. The Government decided in 1998 to establish an inter-ministerial committee to deal with issues of law enforcement and strengthening of existing services. The committee was chaired by the Director-General of the Ministry of Labour and Social Affairs and included representatives from the Prime Minister's Office, the AASW, the Ministry of Public Security, the Ministry of Health, the Ministry of Education and women's organizations. In 1997/98, the Prime Minister's office sponsored a national media campaign against violence against women, including a National Hotline and Referral Service.

Notes

[1] *Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip* (28 September 1995).

[2] *The Wye River Memorandum* signed on 23 October 1998, and the *Sharm-el-Sheikh Memorandum* of 4 September 1999.